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TO RUEHC/SECSTATE WASHDC PRIORITY 8388
INFO RUEABND/DEA HQS WASHDC PRIORITY
RUEAIIA/CIA WASHDC PRIORITY
RHMCSSU/FBI WASHINGTON DC PRIORITY
RUEHC/SECSTATE WASHDC PRIORITY 8389
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RHEFDIA/DIA WASHDC PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RUEHBR/AMEMBASSY BRASILIA 7706
RUEHCV/AMEMBASSY CARACAS 9253
RUEHLP/AMEMBASSY LA PAZ AUG LIMA 5343
RUEHQH/AMEMBASSY QUITO 5934
RUEHGL/AMCONSUL GUAYAQUIL 4046

C O N F I D E N T I A L BOGOTA 006278

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E.O. 12958: DECL: 08/28/2010

TAGS: MARR PRGOV PREL PTER CO

SUBJECT: EXTRADITION PROCESS ON TRACK FOR FORMER PARAS

Classified By: Political Counselor John S. Creamer. Reason: 1.4(b,d)

¶1. (C) Minister of Interior and Justice Carlos Holguin announced August 24 the transfer of Carlos Mario Jimenez (alias "Macaco") from Itagui prison in Medellin to the maximum security Combita prison near Bogota for conducting drug trafficking activities from prison. The Fiscalia has approved his provisional arrest warrant for extradition, which will be served August 27. He would be the first paramilitary to lose eligibility under the Justice and Peace Law (JPL).

¶2. (C) Holguin also announced the transfer of Diego Fernando Murillo Bejarano (aka "Don Berna") to Combita as a "security precaution." Outgoing Department of Administrative Security (GOC intelligence agency) director Andres Penate told us August 24 Don Berna will likely be extradited to the U.S. within the next two weeks due to his continuing involvement in criminal activity. President Uribe subordinated our July 2004 extradition request for Berna on drug and money laundering charges in September 2005 because of Berna's key role in the paramilitary peace process. The U.S. has extradited 87 individuals from Colombia this year, bringing the total to 583.

¶3. (C) Penate said the GOC needed to satisfy specific Colombian legal requirements before extraditing Berna. Complying with these steps would strengthen Uribe's political and legal position. Penate said the GOC must provide five days notice to citizens subject to an extradition order before it can extradite them. It will take the GOC several days to prepare the paperwork; notification to Berna is unlikely to occur before August 31. He said the GOC also would open a criminal case against Berna at the Fiscalia to bolster its claim Berna had continued to engage in criminal activity. Berna would be the first paramilitary leader whose extradition request was subordinated by Uribe to be extradited.

¶4. (C) Penate said Uribe is committed to extraditing Don Berna as soon as these legal steps are completed. The only risk is that Berna's lawyers will exploit the five days to find a friendly judge who would issue an order blocking extradition. Penate said the DAS had passed intelligence reports implicating Don Berna in several murders in Medellin and Cartagena, but lacked legal proof. Uribe's decision to

move against Berna was provoked by an anonymous letter that was passed to him by a trusted source. The letter was addressed to Castano's wife and claimed Berna and Macaco were involved in Vicente Castano's murder earlier this year. It also warned Castano's wife to leave the country. DAS records showed she left Colombia three weeks ago.

Nichols